IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA	§	
	§	
Plaintiff,	§	
	§	
V.	Š	CASE NO. 7:20-CV-026
	§	
1.8946 ACRES OF LAND, MORE OR	§	
LESS, SITUATE IN STARR COUNTY,	§	
STATE OF TEXAS; AND MAURO R.	§	
GARCIA, JR., ET AL.	§	
	§	
Defendants.	§	

OPPOSED MOTION OF THE UNITED STATES OF AMERICA TO WITHDRAW THE MOTION FOR ORDER OF IMMEDIATE POSSESSION

The United States moves to withdraw its Motion for Order of Immediate Possession (Dkt. No. 8) without prejudice.

- 1. On February 20, 2020, the United States filed an Opposed Motion for Order of Immediate Possession (Dkt. No. 7).
- On September 24, 2020, the United States filed an amended motion to substitute service (Dkt. No. 27). On September 24, 2020, the Court granted said motion (Dkt. No. 28).
- 3. On March 25, 2021, the Court filed an order staying the Motion for Possession. (Dkt No. 33).
- 4. At the current time, the United States does not need to acquire immediate possession of the subject property.

5. Accordingly, the United States requests the Court to withdraw its Motion for Order of Immediate Possession (Dkt. No. 8) without prejudice as the United States continues to properly effectuate service on Mrs. Olga Yolanda Garcia and until the United States determines the necessity of acquiring immediate possession of the subject property.

Conclusion

The United States prays that this Court grant its Motion to Withdraw the Motion for Order of Immediate Possession (Dkt. No. 8) without prejudice to refile the same.

Certificate of Conference

The United States was able to confer with Mauro Garcia, through counsel Kevin Sanchez, on April 14, 2021, and confirmed that he is not opposed to this motion. United States has been unable to ever confer with Olga Yolanda Garcia regarding this case or the current motion and therefore cannot confirm whether or not she is opposed to this motion to withdraw, therefore, this motion is being filed as opposed.

Respectfully submitted,

JENNIFER B. LOWERY

Acting United States Attorney Southern District of Texas

By: <u>s[Alexander N. DerGarabedian</u>

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, Alexander N. DerGarabedian, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on April 14, 2021, I mailed a true and correct copy of the foregoing document via regular mail to the all parties still remaining in this case

By: <u>s[Alexander N. DerGarabedian</u> Alexander N. DerGarabedian Assistant United States Attorney